



Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

MINUTES

FEBRUARY 8, 1982

PRESENT: Raftery, Kulmala, Sauer, Coulter, Sillers, Hannaford,
and Chaput

The meeting was called to order at 8:00 P.M. The minutes of the January 25, 1982 meeting were accepted as presented.

Munroe Hill

We are in receipt of an assignment of securities for \$25,500 from Four Seasons for completion of the work in the Munroe Hill subdivision.

Wetland Inquiry

Mr. Charles Spidle of Bedford appeared to inquire about the procedure for requesting a Special Permit for building in the Wetland/Flood Hazard District. His lot is at the corner of Lowell Road and Sunset Road. The proposed house site lies in what is shown as a Wetland on the Town maps. His claim is that the site is not actually in the Wetland. The Board established a date of March 8, 1982 for a Special Permit Hearing on the application.

OSRD Report

The OSRD subcommittee met on February 1, 1982. Kay Kulmala has issued a re-draft dated February 2, 1982. Kay has also drafted a simpler version which deals only with ANR plans, not subdivisions.

Tom Raftery reported on a "cluster zoning" regulation drafted in Laconia, New Hampshire, which was also ANR-based, rather than subdivisions. This scheme is based on allowing reduced frontage in exchange for an additional lot.

A key feature of the Laconia plan is a natural trade-off between the Board and a developer: in exchange for one or more additional lots, the Town gets some important feature protected.

Kay presented several sketches based on her draft by-law which considers a private driveway as "frontage" for interior lots.

Discussion carried on over whether each lot should have access or whether common driveways could provide such access.

The consensus was that providing flexible density based on ANR plans was most appealing for its simplicity and understandability.

There will be another working group on February 16, 1982 at the Town Offices at 7:30 P.M.

Lot Shapes

Hal Sauer distributed copies of a revised bylaw amendment to regulate.

A motion was made to add the following sentence to the first paragraph of 4.A.1 of the Zoning By-laws:

"The width of any lot shall not be less than 40 feet at any point between the street providing frontage and the dwelling site."

The motion passed: 7 in favor, 0 opposed.

The meeting adjourned at 10:05 P.M.

Respectfully submitted,

Richard R. Coulter

REPORT TO PLANNING BOARD ON OSRD WORKSHOP 2

Present: Vivian, Tom, Kay and in the beginning, Sylvia

The initial discussion on the OSRD draft stalled at page 2, preempted by a re-examination of the philosophical premises of OSRD. This was spurred by glances at the sketches of OSRD's conforming to the draft, which showed that, as drafted, OSRD developments might come appreciably closer to realizing maximum feasible density (2 acres/lot) than would plans whose profitability is determined by present rules. Both Tom and Vivian felt that a proposal ~~likely~~^{able} to increase density over what is otherwise likely ^{in practice} would not fly, even though the increased density is still within the nominal allowed by Res.8.

In sum, Vivian felt that the primary purposes of providing an alternative to conventional frontage and area requirements were preservation of the rural atmosphere (specifically views of open fields) and greater dimensional flexibility to enable selection of optimum building sites. To these purposes, Tom would add open space linkages of benefit to the Town. Both insisted that OSRD must not be perceived as even a relative increase in density, although they agreed with Kay that a trade-off in the form of extra lots would be necessary to induce a developer to select the more expensive OSRD option. (More expensive in that it is likely to require extra road length to get behind the treeline.) Kay went further still in feeling that any ~~extra concessions~~ secured should be confined to tracts shown by the Open Space and Recreation Plan to have a conservation value of some type to the Town and that protection of the specific value might, at times entail not only a conservation restriction against building, on that portion of the tract, but also right of public access and even recreational or agricultural use.

Accordingly, Tom began brainstorming an alternative approach to OSRD based on the following premises:

1. The incentive offered should be only enough to induce a developer to select this alternative over what he would otherwise find economically profitable (not the maximum geometrically feasible) on that particular site.
2. The mechanism should be relatively simple, e.g. permission to vary dimensional requirements for individual sites while retaining dimensional averages for the tract as a whole, ~~with~~
3. The resulting "open space" would remain in private ownership of the lots affected...

To this Vivian added the safeguard that all such developments should be approved by:

4. Referral to ConsCom and Selectmen as well as PB's special permit.
- Kay further wants to tie this directly to OS&R Plan, as follows:
5. Limit eligibility to those tracts of 10+ acres identified by OS&R Plan as having specified conservation/recreation values.
 6. Require that ^{some} conservation restrictions include right of public ~~access and use~~^{use} ~~where~~^{where} this is appropriate to the identified conservation value.

Discussion of use of OSRD's for other than single-family lots was postponed, although there is agreement that ultimately this would help achieve both a higher percentage of open space and housing variety.

Section 12. OPEN SPACE DEVELOPMENT (OSD) IN RESIDENCE B

A. Applicability

1. Purposes. The purposes of this section are to encourage layouts of lots and ways ~~in Residence B~~ which are more responsive to the special conservation and landscape values of a tract and better suited to its topography, orientation and soils than feasible under the ~~di-~~^{area} ~~mensional~~^{and frontage} requirements of Sections 4.A.1 and 4.A.2.
2. Eligible Tracts. Any tract of 10 acres or more in Residence B which has been identified in the Conservation Commission's Open Space and Recreation Plan, as adopted by Town Meeting in 19__ and updated within the past five years as containing portions of value to the OS&R Plan. Said Plan ~~shall identify~~^{for all parcels of 10 acres or more containing no more than one house,} the public's interest ~~in each~~^{which contains no more than one house} all, if any, ~~relevant parcels of 10 acres or more,~~ in the parcel's potential for:
 - a. esthetic enhancement of the town's rural aspect;
 - b. development of linkages between open spaces accessible to the public;
 - c. active or passive recreation;
 - d. conservation of water resources;
 - e. ~~wildlife conservation~~^{preservation of habitat;} ~~of wildlife or vegetation;~~
 - f. maintenance of agriculture.

B. Required Reviews and Special Permit

1. ~~SPCA~~^{SPCA} The Planning Board is the special permit granting authority for OSD Plans.
2. ~~Refer~~^{Refer} The Planning Board shall wait at least 45 days ^{from submittal of the OSD plan} for the following reports ^{before} granting a special permit; ~~but may deny the permit~~^{before that}
 - a. report from the Conservation Commission ^{On the degree to which the proposed} ~~that the proposed~~ OSD plan and accompanying conservation restrictions ~~adequately~~ protect and facilitate the previously identified public interest(s) in the tract;
 - b. report from the Board of Selectmen as to the efficiency and cost of supplying public services to the OSD plan as compared to a conventional plan for the tract;
 - c. approval by the Board of Health for each lot of less than 2 acres.
2. ~~Findings~~^{Findings} Before granting a special permit, the Planning Board shall find that the OSD plan:
 - a. meets the purposes of this section;
 - b. conforms to this section's requirements;
 - c. has a comparable or more favorable effect on the abutters and abutting public ways as compared to a conventional plan submitted under Section ~~5.1~~^{5.1} below.

C. Design Requirements

1. Comparable Conventional Plan. The developer shall prepare a comparable approval-not-required or preliminary subdivision plan in the manner required by the Planning Board's Rules and Regulations for the Subdivision of Land showing how he will develop the tract under the requirements of Section 4 if the OSD plan is not approved, accompanied by cost estimates supporting the economic feasibility of ~~said~~ ^{between} his choice of approval-not-required or subdivision plan.
2. Lots in an OSD Plan. The total number of lots in an OSD plan shall not exceed the number shown on the Comparable Plan except as follows:
 - a. one extra lot for each ^{full} _____ lineal feet of subdivision road ~~with~~ ^{the length of the subdivision} ~~lot frontage~~ in the OSD Plan in excess of ~~the length of the subdivision road~~ ^{Subdivision} ~~lot frontage~~ in the Comparable Plan; or
 - b. one extra lot for each full _____ lineal feet of common driveway in the OSD plan in excess of the length of the common driveway, if any, in the Comparable Approval-Not-Required Plan,provided further that the total number of lots on the tract shall not ~~exceed the area of the tract after subtracting the right-of-way and~~ ~~any subdivision road and after subtracting~~ exceed the net area of the tract divided by two to the last whole number. "Net Area" in this context means the total area of the tract less any right-of-way of a subdivision road and less any Wetland/Floodhazard district in excess of 15 percent of the tract ~~area~~.
3. Minimum Area of OSD Lots. In an OSD Plan, the developer may vary the area of lots, subject to the following limitations:
 - a. ~~No~~ lot shall contain less than 1 acre;
 - b. Every lot shall ~~contain~~ ^{at least} contain a building site within a circle of 150 foot diameter ~~clear of~~ 100 feet away from any Wetland/Floodhazard District;
 - c. All lots of 2 acres or more shall be restricted against resubdivision ^{as building lots;}
 - d. The total area in building lots shall be at least the number of lots multiplied by two acres;
 - e. The remainder of the tract, if any, shall be owned in condominium by all the owners on the tract, by the Conservation Commission, or by the Carlisle Conservation Foundation, ^{shall be} ~~and~~ ^{restricted} ~~against any~~ ^{uses other than conservation or recreation.}

Section 12.C. cont.

4. Minimum Frontage of OSD Lots. In an OSD Plan, the developer may reduce frontages to 40 feet and may, at the Planning Board's discretion, abut more than two lots ^{with} ~~of reduced~~ frontages ^{smaller than required by Section 4,} provided that the total frontage of all lots is at least equal to that shown on the Comparable Plan.

D. Required Open Space Restrictions

1. Minimum Requirement. A permanent conservation restriction against all structures other than access drives and accessory recreational structures shall be recorded on that ^{privately owned} portion of the tract which the Planning Board determines ^{is essential to meet} ~~essentially meets~~ the objectives of the Open Space and Recreation Plan cited in Section A.2. above, insofar as applicable to this tract.
2. Possible Additional Requirements. In addition, the Planning Board may require that the conservation restriction permit one or more of the following, insofar as appropriate to the public interest in the tract ^{as} identified in the Open Space and Recreation Plan:
 - a. public access and public or semi-public maintenance of a trail;
 - b. permission for the Conservation Commission to lease agricultural or pasture land to a farmer;
 - c. permission for the Conservation Commission or the Recreation Commission to conduct specified recreational programs for which the site has special potential by virtue of its location or topography, such as skating, fishing, boating, downhill skiing, and to erect and maintain structures accessory thereto.
3. Open Space Alternative. The developer may ^{instead} ~~elect~~ to donate the land to be restricted to the Conservation Commission or the Carlisle Conservation Foundation, subject to the requirements of sections C.3 and C.4 above, retaining easements as necessary to maintain required frontages and access ways.

Here is a simpler version which applies only to Common Driveway frontage developments (not subdivisions) and is aimed at making better use of the wasted "ribs" of the porkchops. Since it proposes to allow interior lots to front on the private driveway, the Board must and can insist on definite construction standards for the driveway, even though these need not be the same as required for Town acceptance. Density, even with the incentive lots provided, remains well below that of a conventional subdivision.

4.A.6. Interior Lots Fronting a Private Driveway. The Planning Board may by special permit authorize the replacement of porkchop lots (as defined in Section 4.A.2) which are served by a common Private Driveway (as defined in Section 5.H.3) by lots of reduced size fronting on the private driveway under the following conditions.

- a. The private driveway shall be built to standards specified in the Planning Board's procedural rules for special permits under this section.
- c. Each interior lot fronting on such driveway must have an area of at least one acre and must contain a site for the principal building within a circle of 150-foot diameter at least 100 feet away from any Wetland/Floodhazard district. However, at least one half of the lots on the tract shall have an area of 2 acres or more. No lot shall have a frontage of less than 40 feet and the average frontage of all interior lots shall be at least (150 ?) feet.
- b. The number of lots in the tract shall not be more than would be allowed for lots having frontage on an existing public way, except as permitted in Section 4.A.6.e. below.
- d. The entire area of the tract not in lots or in private driveway shall be Open Space which is permanently restricted against development other than such accessory recreational structures as may be allowed by the terms of the special permit. Said Open Space shall be owned in one or more of the following ways:
 - (1) Homeowners Association, comprising all owners of lots on the private driveway;
 - (2) Carlisle Conservation Commission;
 - (3) non-profit association whose principal purpose is conservation.
- e. Additional interior lots fronting on the private driveway may be allowed according to the following schedule up to a maximum of (10 ?) such lots, regardless of the limitation to 6 lots under

Section 5.H.3.:

- (1) 1 lot for each full (500 ?) feet of private driveway without fronting lots;**
- (2) 1 lot for each full (5 ?) acres of Open Space.**

f. In evaluating the special permit, the Planning Board shall determine that the following objectives have been met insofar as they are relevant to the site:

- (1) improved siting of buildings and ways;**
- (2) preservation of roadside views;**
- (3) contribution towards the objectives of the Open Space and Recreation Plan as adopted and amended by the Conservation Commission;**
- (4) suitability of the location, character, uses, improvements and ownership of the proposed Open Space for the purposes for which it is intended.**